

## SENATE BILL NO. 136

INTRODUCED BY D. STEINBEISSER

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SECRETARY OF STATE TO MAINTAIN A CENTRAL FILING SYSTEM FOR CERTAIN AGRICULTURAL LIENS THAT MEETS THE REQUIREMENTS OF FEDERAL LAW TO PROTECT PURCHASERS OF FARM PRODUCTS; DESIGNATING THE SECRETARY OF STATE'S OFFICE AS THE APPROPRIATE OFFICE IN WHICH TO FILE AN EFFECTIVE FINANCING STATEMENT FOR THE PURPOSES OF CERTAIN AGRICULTURAL LIENS; AND AMENDING SECTIONS 2-15-401, 30-9A-302, AND 30-9A-501, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-401, MCA, is amended to read:

**"2-15-401. Duties of secretary of state -- authority.** (1) In addition to the duties prescribed by the constitution, it is the duty of the secretary of state to:

(a) attend at every session of the legislature for the purpose of receiving bills and resolutions and to perform other duties as may be devolved upon the secretary of state by resolution of the two houses or either of them;

(b) keep a register of and attest the official acts of the governor, including all appointments made by the governor, with date of commission and names of appointees and predecessors;

(c) affix the great seal, with the secretary of state's attestation, to commissions, pardons, and other public instruments to which the official signature of the governor is required;

(d) record in proper books all articles of incorporation filed in the secretary of state's office;

(e) take and file receipts for all books distributed by the secretary of state and direct the county clerk of each county to do the same;

(f) certify to the governor the names of those persons who have received at any election the highest number of votes for any office, the incumbent of which is commissioned by the governor;

(g) furnish, on demand, to any person paying the fees, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office;

(h) keep a fee book in which must be entered all fees, commissions, and compensation earned, collected, or charged, with the date, name of payer, paid or unpaid, and the nature of the service in each case, which must be verified annually by the secretary of state's affidavit entered in the fee book;

(i) file in the secretary of state's office descriptions of seals in use by the different state officers;

(j) discharge the duties of member of the board of examiners and of the board of land commissioners and all other duties required by law;

(k) register marks as provided in Title 30, chapter 13, part 3;

(l) report annually to the legislative services division all watercourse name changes received pursuant to 85-2-134 for publication in the Laws of Montana;

(m) keep a register of all applications for pardon or for commutation of any sentence, with a list of the official signatures and recommendations in favor of each application;

(n) establish and maintain a central filing system that complies with the requirements of a central filing system pursuant to 7 U.S.C. 1631 and use the information in the central filing system for the purposes of 7 U.S.C. 1631.

(2) The secretary of state may develop and implement a statewide electronic filing system as described in 2-15-404."

**Section 2.** Section 30-9A-302, MCA, is amended to read:

**"30-9A-302. Law governing perfection and priority of agricultural liens.** ~~While Subject to the provisions of 30-9A-501, while~~ farm products are located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of an agricultural lien on the farm products."

**Section 3.** Section 30-9A-501, MCA, is amended to read:

**"30-9A-501. Filing office.** (1) Except as otherwise provided in subsection (2), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(a) the office designated for the filing or recording of a mortgage on the real property if:

(i) the collateral is as-extracted collateral or timber to be cut; or

(ii) the financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

1 (b) the office of secretary of state in all other cases, including if the collateral is goods that are or are  
2 to become fixtures and the financing statement is not filed as a fixture filing.

3 (2) The office in which to file a financing statement to perfect a security interest in collateral, including  
4 fixtures, of a transmitting utility is the office of secretary of state. The financing statement also constitutes a  
5 fixture filing as to the collateral indicated in the financing statement that is or is to become fixtures.

6 (3) The office in which a financial institution must file an effective financing statement, as defined in 7  
7 U.S.C. 1631, is the office of the secretary of state."

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